

Today's Topics:

ARRL (2 msgs)

Modifiying radios for out of band operation  
Scanning the Ether, Privacy, and Government

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Date: 8 Dec 89 10:34:26 GMT

From: usc!cs.utexas.edu!uwm.edu!ux1.cso.uiuc.edu!ux1.cso.uiuc.edu!  
uxa.cso.uiuc.edu!jlt00316@apple.com

Subject: ARRL

Message-ID: <121900054@uxa.cso.uiuc.edu>

Stop, stop, stop saying that it is illegal for me to modify my radio to transmit out of band unless you can show me that it is illegal to simply own a transmitter capable of doing so. Even though pushing the PTT may be illegal, I'm not illegal until I do it. It's like owning a car capable of going 100 mph. There are a few, rare examples where using this capability would be legal. Also true with my modified radio. There are a few, rare examples where using this capability (not necessarily on the air, mind you) are legal.

Please pick your terms right and don't tell me I broke the law because I modified my radio.

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Jeff Tucker

tucker@uiieea.ece.uiuc.edu

tucker@uiucvmd.bitnet

N9HZQ

Senior, Electrical Engineering

University of Illinois

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Date: 7 Dec 89 18:19:02 GMT

From: cheers!quack!mrapple@lll-winken.llnl.gov (Nick Sayer)

Subject: ARRL

Message-ID: <5017@quack.UUCP>

hardwick@ubvax.UB.Com (Bob Hardwick) writes:

>I got the following off of a packet BBS the other day  
>and thought the net might like to comment.

[lots deleted]

>If this is what the ARRL is doing with our dues money then  
>the ARRL has just lost a member.

here here! I never joined in the first place.

Besides, there is nothing illegal at all about modifying your HT to transmit out of band. It is illegal to USE that modification except in distress or for services that do not require type acceptance, like MARS, but the illegality is in the use of the modification, not in making it.

Think about a parallel situation -- My HF rig breaks. Whenever you use it on 40 meters, it puts a big spike right in the middle of channel 3. The FCC tells me about it. I have two choices. I can fix it, or I can stop using 40 meters. EITHER SOLUTION IS EQUALLY VALID AND LEGAL (presuming, of course, that the other bands are clean).

Let's take the same situation in the land mobile service. If a multiband transceiver has trouble on one band, there is no choice. You must fix it. The difference? Type acceptance. A land-mobile rig that puts out a spike is not acceptable, so you cannot use it at all.

Modifying my HT for out-of-band transmission is exactly the same situation as the first example. If I operate it in a certain fashion, it's illegal. If I avoid doing that, there is no illegality.

As hams, we have lots of other things to get peeved about than this, don't we? Sheesh!

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Nick Sayer | quack!mrapple@uop.edu or cheers!quack!mrapple@apple.com  
... or { uunet!daver apple!cheers | pacbell!cogent!uop }!quack!mrapple  
Packet radio: N6QQQ @ WB6V | (209) 952-5347 300/1200/2400 - login guest  
Disclaimer: The BBC would like to apologise for that announcement  
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Date: 7 Dec 89 21:00:14 GMT  
From: usc!cs.utexas.edu!swrinde!zaphod.mps.ohio-state.edu!gem.mps.ohio-state.edu!  
ctrsol!emory!stiatl!rsiatl!jgd@ucsd.edu (John G. De Armond)  
Subject: Modifiying radios for out of band operation  
Message-ID: <798@rsiatl.UUCP>

In article <1188@necis.UUCP> rbono@necis.UUCP (Rich Bono) writes:

[and incredible amount of BS deleted]

>If you believe that it is proper to modify a piece of Amateur radio gear  
>for use on frequencies that it is not designed and type accepted for

>(we won't even address the issue of having a license for the frequencies  
>in question, we can assume that the user has said license), then lets  
>start a non-emotional discussion pointing out the facts that I am NOT  
>aware of... Yes, I have been wrong, many times in the past.  
>

Well, rich, It's a bit hard to keep emotion in check when one reads such a collection of bovine effluvia but I'll try. Rarely have I seen such ignorance of the law and common sense coupled together with acute chicken little syndrome.

Your post and logic shows an ignorance of:

- 1) The law as regards Amateur Service.
- 2) The law as regards Public Service/Commercial service.
- 3) Reality.
- 4) Common sense.

Let's look at these in sequence. First the law regarding the Amateur Service. I guess I can understand how a novice ham (regardless of license class) could assume that there MUST be some law about removing the covers and messing with the FM\* inside. After all, the factory must be infinitely more capable of designing and building radios than could be any one ham. And in today's Orweillian NewThink, anything that's not OK'd by the government must be illegal. Not to mention that is ought to be illegal to have fun.

On the other hand, those of us who have been hams since before the WundorRiceboxes find this concept a bit strange. Especially those of us who actually BUILD from scratch radios. Tell me sir, under your assumption that it must somehow be illegal to MODIFY radios to go out of band, how would the law handle my homemade radios? Since they were designed from the beginning to make power and to receive wherever the VCO would stay locked, how could this possibly be legal? The answer to this question is left as an exercise for the student. Clue: It has something to do with our charter.

Next, commercial and Public service. The law specifically permits the use of ANY communications mode to mitigate a life-threatening situation. I'll let you find the paragraph; it's been posted here before. Maybe while you're looking, you'll read some of the other interesting paragraphs. That means I can use any radio on any frequency if sufficient danger exists. What is sufficient danger? I think each ham has to determine that himself and be prepared to defend his actions. Certainly dialing over to the local police dispatch frequency to report a car wreck is inappropriate and could not be defended. On the other hand, if I come up on a car wreck and find a victim bleeding or perhaps with a broken neck, and I cannot find a ham repeater with patch, you bet yer ass I'm going to get on the police frequency call out a unit. Anyone who would

not should be prosecuted for negligence in my book. I'll gladly take any heat forthcoming after the fact. I'd bet the bank on there not being any.

Yes, I modify my radios (or build them from scratch) to work adjacent commercial/public service bands "just in case" for the exact same reason I have emergency power - Just in case. I consider it at least reckless to have the ability to mitigate an emergency and not do so.

Next, Reality. The reality is that modern amateur HTs meet or exceed commercial specifications. The reason is simple. With few exceptions, the amateur and commercial radios are the same with only firmware changes. So if a ham accidentally (or on purpose) transmits on a commercial frequency, the sun won't quit shining and the gods of EMI will not smite the radio from his hand. He will be breaking an anachronistic law regarding type acceptance.

Speaking of type acceptance, I marvel at the hams that speak in ignorant awe of "Type Acceptance" as if it were some rite of passage a vendor must put a radio through. All this is, boys and girls, is the process of submitting a radio to some standardized tests the results of which indicate that there is a high probability that production units will also meet. This is an anachronism that should go the same way as the 1st class commercial. Back in the days when analog FM\* really did go on under the covers and when it was state-of-the-art to make a crystal capable of 0.025% stability over the temperature range, it made sense to require extensive type acceptance testing AND to certify those wizards who were permitted to lift the covers on the FM\*.

Now that FM\* is contained within LSI chips and crystals capable of 0.001% stability are commodities, licensing the wizards makes no sense and neither does type acceptance. Half of the problem is already resolved.

So if I were to transmit on a commercial frequency, I know that my radio is at least as good as the one on the other end. I don't do this because I try to live within the rules but it's no felony if I do.

Lastly, is common sense. This posting really addresses common sense, a commodity sadly lacking in today's hams. And this is typically coupled with an almost mantical desire to tend to others' business.

Perhaps you should consider some other uses for radios modified for out of band service. These include

1. driving transverters.
2. Generating test signals.
3. Listening to test signals from other radios.
4. Monitoring public service frequencies as a public oversight function.

Lastly, assume for the moment that what I've said is not true and that transmitting out of band is truly evil. If, as you said, the possibility of an evil modified radio falling into bad hands is such a problem, why has this problem not become significant? Or even a problem? Maybe it's not such a problem after all.

John

\* FM - F\*\*\*ing Magic (tm)

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John De Armond, WD40QC	The Fano Factor -
Radiation Systems, Inc.	Atlanta, GA   Where Theory meets Reality.
emory!rsiatl!jgd	**I am the NRA**

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Date: Fri 8 Dec 89 09:56:24-EST  
From: Carl DeFranco <DEF FRANCO@TOPS20.RADC.AF.MIL>  
Subject: Scanning the Ether, Privacy, and Government  
Message-ID: <12548472176.10.DEFRANCO@TOPS20.RADC.AF.MIL>

I usually get a lot more enjoyment from reading all the fluff and furor on the various newsgroups. The latest rage over privacy and the public airways is an entertaining break from real work, but I just have to add in my 5 cents worth concerning the "right" to receive, demodulate, etc., along with some thoughts about the power of government.

I actually pulled out my Encyclopedia Britannica last night and reread the U.S. Constitution. Did you know that it provides, among other things, a specific provision that the Federal Government shall have only those rights and powers specifically designated, and that all others are "reserved to the several states or to the people."? It also notes that laws and regulations of states may NOT supercede those of the Federal Government, which makes scanner laws and the like at least suspect, if not marginally unconstitutional. But I digress.

My real point here is that the original Communications Act of 1934 provided all the protection that cellular phones, HBO, etc. really needed. To those who claim the right to receive anything transmitted through their individual space, you are absolutely correct! Receive all you want (at least under the old law). However, should you choose to use information overheard on the public airways, including HBO movies, you step over the line. THE RIGHT TO RECEIVE DOES NOT CONFER THE RIGHT TO USE. If you overhear a conversation about an upcoming stock market deal, then go buy or sell based on that information, you have violated the inside trader law, because the information was not

generally available to the public. If you buy a decoder, learn to decipher, and watch HBO, you could be prosecuted for theft of services, since you took specific steps to use the information you overheard.

I fully agree that the EPCA is an outstanding example of bad (and stupid) lawmaking. But the U.S. has always has the attitude that "there oughta be a law!", and Congress and state legislatures, anxious to justify their existence, are more than willing to provide one. What scares me is that some of these new laws, EPCA included, tread dangerously upon privacy rights by making possession of scanners, radios, etc., that might be used for violations illegal, even though purchase is legitimate.

Until individual citizens are willing to make public statements to their representatives, however, and do so rationally, the nation of laws that we generally agree is the best of a mediocre lot will continue to favor the special interest over its citizenry. My advice? Do like I do - write to your congressman and senators. You'll almost always get a reply, even if they don't agree with your position.

Carl DeFranco  
currently just porky, but being cured to become a ham.

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End of INFO-HAMS Digest V89 Issue #991

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